

Randy L. Dryer, USB #0924  
J. Adam Wright, USB #16202  
**PARSONS BEHLE & LATIMER**  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
Telephone: 801.532.1234  
Facsimile: 801.536.6111  
RDryer@parsonsbehle.com  
AWright@parsonsbehle.com  
[ecf@parsonsbehle.com](mailto:ecf@parsonsbehle.com)

*Attorneys for Defendants the Standard Examiner and Sandusky Newspaper Inc.*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION**

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In Re Interest of I.F. a minor child; Sherrie  
and Michael Fazzio,

Plaintiffs,

vs.

The Standard Examiner, Sandusky  
Newspaper Inc., Weber County, and Acucorn  
Corporation, aka Records Finder,

Defendants.

**THE STANDARD EXAMINER AND  
SANDUSKY NEWSPAPER INC.'S  
RESPONSE TO PLAINTIFFS' MOTION  
FOR LEAVE TO RE-OPEN AND FILE  
SECOND AMENDED COMPLAINT**

Case No. 1:17-cv-00132-RJS

The Honorable Robert J. Shelby

Magistrate Judge Dustin B. Pead

The Standard Examiner and Sandusky Newspaper Inc. (collectively, the "Standard Examiner") submit this Response to Plaintiffs' Motion for Leave to Re-Open and File Second Amended Complaint [dkt. 70].

On May 29, 2018, this Court held a hearing on Defendant Weber County's Motion to Dismiss Plaintiffs' Amended Complaint. At the end of the hearing, the Court granted the Motion to Dismiss, and afforded Plaintiffs 30 days to file a second amended complaint. *See* May 29, 2018 Minute Order [dkt. 69]. The Court specifically instructed that Plaintiffs "do not need to first seek

leave to amend.” *See id.* Nevertheless, Plaintiffs have now filed a Motion for Leave to Re-Open and File Second Amended Complaint (“Motion for Leave”), to which Plaintiffs have attached a redacted version of their proposed Second Amended Complaint [dkt. 70].

In light of the Court’s prior directive that Plaintiffs may file their Second Amended Complaint without first seeking leave of the Court, the Standard Examiner does not oppose the filing of the Second Amended Complaint. However, due to Plaintiffs’ decision to file the Motion for Leave rather than simply file and serve their Second Amended Complaint as instructed, the Standard Examiner takes the position that its time to respond to the Second Amended Complaint pursuant to Rule 15 of the Federal Rules of Civil Procedure will not begin to run until the Court rules on the pending Motion for Leave and Plaintiffs serve an unredacted copy of the Second Amended Complaint on the Standard Examiner.

DATED July 3, 2018.

/s/ J. Adam Wright

Randy L. Dryer

J. Adam Wright

PARSONS BEHLE & LATIMER

*Attorneys for Defendants the Standard  
Examiner and Sandusky Newspaper Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of July, 2018, I caused the foregoing **THE STANDARD EXAMINER AND SANDUSKY NEWSPAPER INC.'S RESPONSE TO PLAINTIFFS' MOTION FOR LEAVE TO RE-OPEN AND FILE SECOND AMENDED COMPLAINT** to be filed electronically with the Clerk of the Court using the CM/ECF system, which sent notification of the filing to all counsel of record.

/s/ J. Adam Wright